

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRIAN N. DRAKE,
Petitioner

V.

UBS FINANCIAL SERVICES, INC.,
Respondent

CIVIL ACTION
NO. 04-11426-REK

Memorandum and Order

February 2, 2005

I. Pending Matters

Pending for decision are matters related to the following filings:

(1) Petitioner's Motion to Compel Answers to Interrogatories and Production of Documents (Docket No. 8, filed August 25, 2004);

(2) Petitioner's Memorandum in Support of Drake's Motion to Compel Answers to Interrogatories and Production of Documents (Docket No. 9, filed August 25, 2004);

(3) Respondent UBS's Response to Petitioner's Motion to Compel Answers to Interrogatories and Production of Documents (Docket 10, filed September 7, 2004).

II. Analysis

At the present time, I must deny the petitioner’s motion to compel without prejudice to the petitioner’s filing a new motion. The petitioner’s “amended motion to vacate arbitration award or alternatively, request for remand[,]” Docket No. 12, filed on October 8,

2004, expands upon the petitioner's claim of "evident partiality" and may affect the merits of the motion to compel.

ORDER

For the foregoing reason, it is ORDERED:

Petitioner's Motion to Compel Answers to Interrogatories and Production of Documents (Docket No. 8) is denied without prejudice to a timely and appropriately supported new motion.

A status conference is set for **Tuesday, March 29, 2005, at 2:30 p.m.**

_____/s/Robert E. Keeton_____
Robert E. Keeton
Senior United States District Judge